

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff,

v.

Ana Valdez,

Defendant.

CR-08-598-09-PHX-JAT

FINDINGS AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE  
UPON A PLEA OF GUILTY  
AND ORDER

Upon Defendant's request to enter a plea of Guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter was referred to the Magistrate Judge by the District Court and came on for hearing before U.S. Magistrate Judge Edward C. Voss on June 16, 2009 with the written consents of the Defendant, counsel for the Defendant, and counsel for the United States of America.

In consideration of that hearing and the statements made by the Defendant under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for Defendant,

(A) I FIND as follows:

(1) that Defendant understands the nature of the charge against him to which the plea is offered;

(2) that Defendant understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and his right against compelled self-incrimination;

1 (3) that Defendant understands what the maximum possible  
2 sentence is, including the effect of the supervised release term, and defendant  
3 understands that the sentencing guidelines are only advisory and that the court is free  
4 to exercise its discretion to impose any reasonable sentence allowed by law;

5 (4) that the plea of Guilty by the Defendant has been knowingly and  
6 voluntarily made and is not the result of force or threats or of promises apart from the  
7 plea agreement between the parties;

8 (5) that Defendant is competent to plead guilty;

9 (6) that the Defendant understands that his answers may later be  
10 used against him in a prosecution for perjury or false statement;

11 (7) that the Defendant understands that by pleading guilty he waives  
12 the right to a trial, the right to a direct appeal, and the right to a collateral attack; and

13 (8) that there is a factual basis for the Defendant's plea;

14 and further,

15 (B)I RECOMMEND that the plea of guilty to Count 28 of the Indictment be  
16 accepted subject to the Court's acceptance of the plea agreement which shall remain  
17 lodged with the Court pending Judge Teilborg's decision whether to accept or reject the  
18 plea agreement after review of the presentence report.

19 ORDER

20 IT IS ORDERED that any objection(s) to the guilty plea proceedings and any  
21 request(s) for supplementation of those proceedings be made by the parties in writing  
22 and shall be specific as to the objection(s) or request(s) made. All objections or  
23 requests for supplementation shall be filed within ten (10) days of the date of service of  
24 a copy of these findings unless extended by an Order of the assigned district judge.


25 IT IS FURTHER ORDERED that any letters, documents, or other matters  
26 defendant would like the sentencing judge to consider before sentencing (including the  
27 English translation of any writings not in English) must be submitted in paper form with  
28 the original to the probation office and copies to the sentencing judge and opposing

1 counsel no later than seven (7) business days prior to the sentencing date or they may  
2 be deemed untimely by the sentencing judge and not considered. (ECF Manual, II §  
3 N at 24)

4 IT IS FURTHER ORDERED that any motions for upward or downward departures  
5 or any sentencing memoranda must be filed at least seven (7) business days prior to  
6 the sentencing date. Responses are due three (3) business days prior to the  
7 sentencing date. Any motion to continue the sentencing date shall be filed at least three  
8 (3) business days prior to the sentencing date.

9 DATED this 16th day of June, 2009.

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Edward C. Voss  
United States Magistrate Judge

25 Copies to: AUSA, Defense Counsel